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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,870	04/14/2004	Jurgen Miklo	04-244	7071
34704	7590	07/27/2005	EXAMINER	
BACHMAN & LAPOINTE, P.C. 900 CHAPEL STREET SUITE 1201 NEW HAVEN, CT 06510			FRISTOE JR, JOHN K	
		ART UNIT	PAPER NUMBER	
		3751		

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/824,870	MIKLO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	John K. Fristoe Jr.	3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 April 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2,4 and 6 is/are rejected.

7) Claim(s) 3,5 and 7 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- 1.) Certified copies of the priority documents have been received.
- 2.) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/14/2004.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed 4/14/2004 is acknowledged by the examiner.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,260,819 (Ovsepyan) in view of U.S. Pat. No. 5,326,075 (Goff). Ovsepyan discloses a handle for actuating a valve comprising a fastening head (lower portion of element 16 in figure 2), a spindle (40), an actuating arm (the gripping portions of element 16 in figure 2), a valve housing (12), means for preventing the actuation of the handle (52), a fastening means (46), and wherein the valve is a ball valve (36) but lacks a sealing plate for sealing the fastening means. Goff teaches an actuating handle for a valve comprising an actuating arm (14), a fastening means (17), and a sealing plate (20) made of plastic (col. 4, lines 28-33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handle of the valve actuator having a fastening means of Ovsepyan by covering the fastening means with a plastic sealing plate as taught by Goff in order to improve the aesthetics of the handle and to protect the fastening means from external elements.

4. Claims 1, 4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,260,819 (Ovsepyan) in view of U.S. Pat. No. 3,397,863 (Bell). Ovsepyan discloses a

handle for actuating a valve comprising a fastening head (lower portion of element 16 in figure 2), a spindle (40), an actuating arm (the gripping portions of element 16 in figure 2), a valve housing (12), means for preventing the actuation of the handle (52), a fastening means (46), and wherein the valve is a ball valve (36) but lacks a sealing plate for sealing the fastening means. Bell teaches an actuating handle for a valve comprising an actuating handle (23), a fastening means (36), and a sealing plate (37) having catch projections (38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handle of the valve actuator having a fastening means of Ovsepyan by covering the fastening means with sealing plate having catch projections as taught by Bell in order to improve the aesthetics of the handle and to secure the plate more effectively to the handle.

*Allowable Subject Matter*

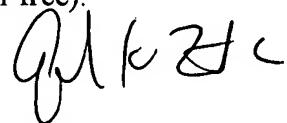
5. Claims 3, 5, and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Fristoe Jr. whose telephone number is (571) 272-4926. The examiner can normally be reached on Monday-Friday, 7: 00 a.m.-4: 30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3751

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John K. Fristoe Jr.  
Examiner  
Art Unit 3751

JKF



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SUPERVISORY PATENT EXAMINER  
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